

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RESPIRONICS, INC. and RIC)	
INVESTMENTS, INC.)	
Plaintiffs,)	
)	
v.)	Civil Action No. 04-0336
)	
INVACARE CORP.)	
Defendant.)	

ORDER

AND NOW, this 30th day of August, 2006, in light of the court's claim construction ruling, the court makes the following findings:

There are currently 6 different motions for summary judgment pending before the court, all of which were filed prior to this court's claim construction ruling;

Several of those motions and briefs contain arguments and evidence on the issue of claim construction;

Now that the court has issued its claim construction ruling, we expect that the pending motions for summary judgment can be significantly streamlined;

In furtherance of that goal, IT IS HEREBY ORDERED THAT all pending motions for summary judgment [doc. nos. 71, 74, 77, 80, 83, 84] are DENIED, without prejudice. It follows that plaintiff's motion to strike [doc. no. 104] is MOOT;

IT IS FURTHER ORDERED that each party will be permitted to file two separate summary judgment motions: one related to all infringement issues, and one related to all invalidity issues. These motions shall be in the format set forth in this court's March 21, 2005 case management order. All motions, and supporting papers, that are not in the proper form will be denied on that ground alone. These motions shall be due no later than October 10, 2006. The two separate briefs filed in support of these two separate motions shall have a combined page limit of seventy five (75) pages.

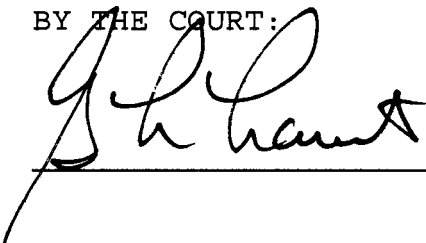
Each party shall file two separate opposition briefs to these two separate motions, which briefs shall be due no later than October 24, 2006 and shall have a combined page limit of thirty (30) pages.

There will be no reply briefs.

IT IS FURTHER ORDERED that the court will not address any motions in limine prior to making its rulings on the summary judgment motions and all twenty-two motions in limine [doc. nos. 121, 122, 123, 124, 125, 126, 127, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 128] are DENIED, without prejudice to re-file them, if appropriate or necessary, following the court's summary judgment rulings.

IT IS FURTHER ORDERED that defendant's motion for a hearing on claim construction [doc. no. 113] was previously granted, such hearing having been held on March 6, 2006.

BY THE COURT:


_____, J.

cc: All Counsel of Record